Supreme Court, U. S.
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JOINT APPENDIX

IN THE

Supreme Court of the United States

October Term, 1978

No. 78-647

KAREN MARCHIORO, et al.,
Appellants,

v.

NEALE V. CHANEY and the WASHINGTON STATE DEMOCRATIC COMMITTEE,
Appellees.

ON APPEAL FROM THE SUPREME COURT
OF THE STATE OF WASHINGTON

JURISDICTIONAL STATEMENT FILED OCTOBER 17, 1978
PROBABLE JURISDICTION NOTED DECEMBER 11, 1978

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The following documents are reproduced as appendices to the Jurisdictional Statement filed October 17, 1978:

Opinion and Mandate of the Supreme Court of Washington (also reported at 90 Wn.2d 298 and 582 P.2d 487) ..... J.S. App. A

Opinion of the King County Superior Court.... J.S. App. B

Order and Judgment of the King County Superior Court ..... J.S. App. C

Notice of Appeal from the Washington Supreme Court ..... J.S. App. D

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RELEVANT DOCKET ENTRIES

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Complaint for Declaratory and Injunctive Relief	3/28/77
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Plaintiffs' Motion for Partial Summary Judgment	5/13/77
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Brief of Appellants	9/16/77
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Respondents' Motion to Vacate Stay of Trial Court's Judgment or (in the Alternative) for an Injunction to Preserve the Status Quo Pending Appeal	3/24/78
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Mandate of Washington Supreme Court	8/11/78
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

KAREN MARCHIORO, ROBERT FITHIAN, RUTH FISHER, DORIS EVANS, WILLIAM PIERCE, and KATHY REID, *Plaintiffs*, v. NEALE V. CHANEY, and THE WASHINGTON STATE DEMOCRATIC COMMITTEE, *Defendants.*	No. 826358 AFFIDAVIT OF KAREN MARCHIORO*

STATE OF WASHINGTON } ss.
COUNTY OF KING }

KAREN MARCHIORO, being first duly sworn on oath, deposes and says:

1. I am the current Chairperson of the King County Democratic Party and have held this office since January 1974. I have been active in Democratic Party affairs in King County and the State of Washington since 1968. I was a delegate to the 1974 and 1976 Washington Democratic State Conventions.

2. I am familiar with the circumstances which led to the adoption of the Democratic Party Charter by the State Convention in 1976. I am also familiar with events which have occurred within the Party subsequent to the adoption of the Charter and with the selection of the Legislative District Organization Representatives to sit on the Washington State Democratic Committee pursuant to the Charter.

*Filed April 8, 1977 in support of Plaintiffs' Motion for Preliminary Injunction.

3. In 1974 the Washington Democratic State Convention resolved to appoint a Commission to draft a charter to be presented to the 1976 State Convention. Following the convention, a charter-drafting commission was formed, consisting of one member elected by each County Democratic Organization and two members elected by each Legislative District Organization. Dick Schroeder, Chairperson of the Spokane County Democratic Party, was elected Chairman of the Charter Commission.

4. The Charter Commission met a number of times during 1975 and 1976 to prepare a draft charter. Their draft was placed before the 1976 Democratic State Convention on June 12, 1976, with no dissenting minority reports. The Charter was adopted by an overwhelming voice vote. Attachment 1 is the Charter as adopted by the 1976 State Convention.

5. Article IV(G)(4) of the Charter provides that the State Democratic Committee, which is the governing body of the Party when the Convention is in adjournment, shall consist of two representatives from each of the State's thirty-nine counties plus one representative from each legislative district. Thus, the Charter changed previous Party rules which provided for a State Committee composed of two representatives from each county.

6. During January 1977 the Washington State Democratic Committee met in Olympia. Because the Committee skipped its summer and fall quarterly meetings in 1976, this was its first meeting after the 1976 Convention. At that meeting on January 29, Clay Bleck, State Committee Representative from Spokane County, moved to seat the Legislative District Organization Representatives to the Committee as required by the Charter. Chairman Chaney ruled Mr. Bleck's motion out of order. Mr. Bleck appealed Mr. Chaney's decision and lost, 17 to 56. The Legislative District Organization Representatives waiting to take their seats were prevented from doing so by this ruling.

7. The next meeting of the Democratic State Committee is set for April 16, 1977. Attachment 2 is the Agenda for that meeting circulated by the State Democratic Committee. No item appears on that Agenda to seat the 49 Legislative District Organization Representatives. The Agenda contains a proposed Charter Amendment regarding State Committee membership.

8. Robert Fithian, Doris Evans, William Pierce and Kathy Reid, are duly elected representatives to the State Democratic Committee from the 33rd, 27th, 4th and 3rd Democratic Legislative District Organizations respectively. All four individuals were among those not seated by the State Democratic Committee on January 29, 1977.

Dated this 7th day of April, 1977.

KAREN MARCHIORO

SUBSCRIBED AND SWORN to before me this 7th day of April, 1977.

s/ .....
NOTARY PUBLIC in and for the State of Washington, residing at Seattle

CHARTER OF THE DEMOCRATIC PARTY OF WASHINGTON**

As adopted by the Washington State Democratic Convention in Olympia, Washington on June 12, 1976.

PREAMBLE

We, the Democrats of the state of Washington, believe in the concepts expressed in the Declaration of Independence and the Constitution of the United States that all power to govern resides with the people. In accordance with the National Charter of the Democratic Party of the United States, we organize and pledge ourselves to promote a truly representative party open to all who support its principles.

We further pledge to make every effort to encourage maximum participation in the political process and to protect individual rights, civil liberties, our environment and social and economic justice for all.

Upon these basic principles we do hereby adopt this Charter of the Democratic Party of the state of Washington.

ARTICLE I
NAME

This organization shall be called the Democratic Party of the state of Washington.

ARTICLE II
PURPOSE AND OBJECTIVES

A. The Democratic Party of the state of Washington exists to:

1. Adopt and promote statements of policy to serve as standards for Democratic elected officials and goals for the people of the state.

**This document was filed as Attachment 1 to the Affidavit of Karen Marchioro dated April 7, 1977 (App. 3-5).

2. Nominate and assist in the election of Democratic candidates at all levels who support the goals of the party.
3. Administer the party organization in accordance with rules and standards which will facilitate achieving the goals of the party.
4. Establish standards and rules of procedure to afford all members of the Democratic Party full, timely and equal opportunities to participate in decisions concerning the selection of candidates, the formulation of policy, and the conduct of other party affairs without discrimination on the basis of sex, race, age (except where state and federal law precludes participation), religion, economic status or ethnic origin.
5. Promote fair campaign practices and fair adjudication of disputes.
6. Raise and disburse monies needed for the continuing operation of the Party.
7. Work with elected Democratic public officials at all levels to achieve the goals of the Democratic Party.
8. Encourage and support codes of political ethics governing all public officials in the conduct of their offices.
9. Encourage voter registration and voting.

ARTICLE III
MEMBERSHIP

A. The Democratic Party of the state of Washington shall be composed of:

1. Democratic precinct committeepersons.
2. Elected Democratic officials.

3. Members of Democratic county, legislative district, congressional district and state party organizations.
4. All residents of the state of Washington who are willing to support the principles and goals of the Democratic Party as expressed in the Charter and wish to be known as Democrats.
5. Members of those clubs and councils that are recognized by the State Democratic Committee.

ARTICLE IV
ORGANIZATIONS OR OFFICIALS AUTHORIZED TO FUNCTION CONTINUOUSLY

A. General: These organizations and officials are authorized by state statute, charter, or custom to function continuously to govern party affairs and to make party policy; they are not directly involved in selecting delegates.

B. Precinct committeepersons

1. Precinct committeepersons shall be elected, appointed or recalled according to state law.
2. Vacancies in the office of Precinct Committeeperson that exist because of failure to elect at a state general election shall not be filled until after the organization of the County Central Committee and/or Legislative District organization.
3. Vacancies that occur in this office by reason of death, resignation or permanent change of residence, change of voter registration from the precinct, by recall of the incumbent, or because of failure to elect shall be filled by appointment according to a procedure that affords every Democrat fair and equal opportunity.

C. Precinct Committees

1. Democrats residing in a precinct may form a Precinct Committee.
2. Precinct committees shall be composed of registered voters within the precinct who agree to the disclosure of their names as Democrats.
3. The Chairperson shall be the Precinct Committeeperson.

D. Legislative District Organizations

1. Legislative district organizations shall be organized in accordance with rules passed by the County Central Committee in those counties in which there are two or more complete legislative districts. Their function shall be similar to the county organization.
2. In any legislative district organization only elected precinct committeepersons and precinct committeepersons appointed after the organizational meeting shall vote for district chairperson, vice chairperson and any representative to other party organizations. Legislative district organizations may allow other Democrats to participate in all other functions.
3. Legislative district organizations shall be constituted and shall conduct business according to state law and this Charter. In legislative districts where counties have not provided for legislative district organizations meetings, the State Chairperson shall do so.
4. Legislative district organizations shall have a minimum of four (4) meetings per year.
5. Any legislative district may organize for purposes consistent with this Charter.

E. County Central Committee

1. The County Central Committee shall be the governing body of the county Democratic Party and shall have the responsibility for conducting party affairs at the county level. It shall be composed of all elected and appointed precinct committeepersons.
2. Each County Central Committee shall be organized according to state law. At its organizational meeting, the Committee shall elect a chairperson and a vice-chairperson; it shall elect state committeepersons and it shall adopt by-laws. The County Central Committee shall have a minimum of four (4) regular meetings a year unless there are legislative district organizations within the county.
3. The national, state and county platforms shall serve serve as policy guidelines for the County Central Committee.
4. The county by-laws shall establish a quorum and provide for calling special meetings by executive action or by petition of members.
5. In counties with legislative district organizations, the County Central Committee may establish a County Executive Board. Such a Board shall be fairly apportioned.

F. Congressional District Organizations

1. Any congressional district may organize for purposes consistent with this Charter.

G. State Democratic Committee

1. The State Democratic Committee shall be the governing body when the convention is in adjournment.

2. The State Democratic Committee shall organize and administer the State Democratic Party in accordance with state law, the National Charter, and this Charter.
3. The national and state convention platforms and state convention resolutions shall serve as policy standards for the State Democratic Committee.
4. The State Democratic Committee membership shall be organized according to state law: however, in addition to having two (2) delegates per county as voting members, each legislative district shall elect one voting member. Each district representative shall be allowed to vote on all matters or issues, policies and goals which would reasonably fall within the function of the state convention and as allowed by state law. Legislative district representatives shall be elected by the Legislative district organization at their organization meeting, or by the county chairpersons and the state committee persons of the counties within the district with their votes being weighted on the same basis as the last previous state convention in those districts with more than one county.
5. The State Democratic Committee shall meet at least four (4) times per year.
6. The State Democratic Committee shall adopt by-laws and operating procedures in accordance with existing state laws and this Charter.
7. The officers of the State Democratic Committee need not be members of the committee; but only elected members of the State Committee shall elect the offi-

cers. Officers of the outgoing State Committee, unless otherwise qualified, shall not vote in the election of new officers.

H. Clubs and Councils

Those clubs and councils recognized by the State Democratic Committee shall be considered Democratic party organizations.

I. Judicial Review Board

1. A Judicial Review Board shall be established.
2. It shall consist of two (2) members elected by each Congressional District Caucus during each State Convention. State committeepersons, county chairpersons, and district chairpersons shall not be eligible to serve.
3. Members of the Board shall take office the following January 1st, and shall serve for two (2) years.
4. A quorum shall be nine (9) of fourteen (14) members and no proxies or alternates shall be allowed.
5. Vacancies shall be filled by election by a caucus of the state Democratic committeepersons from the congressional district having a vacancy.
6. This Board shall consider questions of interpretation of the Charter, by-laws, delegate selection rules, affirmative action plans, and other adopted rules of the Democratic Party of the state of Washington and its component organizations. It shall make its recommendations in writing to each State Convention before the convention votes on any of its recommendations and before new members are elected to the Board.

7. The Board shall *not* function as a credentials or rules committee, although its findings and recommendations shall be considered relevant evidence in a credentials challenge.

ARTICLE V

PARTY ORGANIZATION CONVENED PERIODICALLY

A. General

1. All periodic organizations are part of the delegate selection process.
2. In addition to the selection of delegates, caucuses and conventions, except congressional district caucuses, may adopt platforms and resolutions as desired, and perform other functions inherent to such an organization.
3. Caucuses and conventions shall meet in even numbered years.

B. Precinct Caucuses

1. Precinct caucuses shall elect delegates to the County Convention and/or Legislative district caucuses.
2. Precinct caucuses shall be held in accordance with pertinent rules; the State Chairperson shall issue the call to caucus.
3. There shall be no registration fee or collections of money before or during caucus.
4. The number of delegates shall be determined by the County Central Committee.

C. Legislative District Caucus

1. The Legislative District Caucus shall elect delegates

to the State Convention. The same delegates shall also attend the appropriate Congressional District Caucus.

2. The Legislative District Caucuses shall be composed of delegates elected at the precinct caucuses.

D. County Convention

1. The County Convention shall be composed of delegates elected at the precinct caucuses.
2. The County Convention shall adopt a county platform and elect delegates to the Congressional District Caucus and State Convention; where there are multiple legislative districts in the county, the State Democratic Committee shall provide for legislative district caucuses to elect state convention delegates.
3. The counties allocated members of State Rules, Credentials and Platform Committees shall be elected at the County Convention.
4. The platform and resolutions of the County Convention shall serve as the policy standards for the County Democratic Party.

E. Congressional District Caucus

1. The Congressional District caucus shall elect all delegates to the National Convention.
2. Congressional district caucuses shall be composed of delegates to the State Convention.

F. State Convention

1. The State Democratic Convention shall be called by the State Committee once every two (2) years. This call shall be issued by the State Chairperson.

2. The purpose of the convention shall be to adopt a state party platform and to perform such functions as are inherent to such an organization.
3. The State Convention shall adopt their own rules.
4. The state platform and resolutions shall serve as the policy standards for the State Democratic Party.
5. The State Convention shall be considered the highest policy-making authority within the State Democratic Party.
6. The State Convention shall elect the National Committeepersons for terms of four (4) years.

ARTICLE VI

BASIC PRINCIPLES

A. Open Party

1. The Democratic Party of the State of Washington shall be open to all who support the Party and wish to be known as Democrats.
2. All members of the Party shall enjoy equal rights, protections and opportunities in all governing documents and in all proceedings of the party at all levels.
3. Discrimination on the basis of sex, race, age (except where state and federal law precludes participation), economic status, or ethnic origin is prohibited in the conduct of party affairs at all levels.
4. To the greatest extent possible all representatives shall be chosen from elected members.
5. The time, the place and a description of the legal and practical procedures of all delegate selection meet-

ings shall be publicized fully and in a manner to assure timely notice to all interested persons. Such delegate selection meetings must be held at reasonable times and in places accessible to all party members.

B. Full Participation

1. The Democratic Party of the State of Washington reaches out and seeks to bring all people and ideas into its affairs.

2. In order to encourage full participation by all Democrats of the State of Washington with particular concern for minority groups, in the delegate selection process and in all party affairs, the State and County Democratic Party organization shall adopt and implement affirmative action programs.

3. Affirmative Action: Performance under an approved Washington State Affirmative Action Program shall be considered relevant evidence in the challenge of any County delegation. If a county has adopted and implemented an approved and monitored State Affirmative Action Program, the county and legislative district shall not be subject to challenges based solely on delegate composition. This goal shall not be accomplished either directly or indirectly by the imposition of mandatory quotas at any level of the selection process or in any party affairs, as defined in the by-laws.

C. Fair Representation

1. In elections at all levels of the Party in which Party policy is determined or in which delegates, officers,

other Party officials, and nominees for public office are to be selected, procedures shall:

a. Provide full, equal, timely participation;

b. Assure fair, proportional representation of preferences;

c. Prohibit the unit rule; not require delegates to vote as a majority determines.

d. Prohibit winner-take-all selections until the highest possible level of selection;

e. Not deny participation for failure to pay a cost, fee or poll tax;

f. Provide whenever possible for direct and not secondary elections.

2. The Democratic Party Organization which is closest to the electorate and which encompasses the constituency of a public office shall select the nominees to fill a vacancy in that public office.

3. Democratic nominees and delegates should be selected by Democrats.

D. Majority Rule

1. Majority vote shall prevail in proceedings of this Party except when otherwise specified by statute, this Charter, By-laws or rules of order.

2. Majority vote shall permit those in the majority to organize a body, but those in the majority shall respect rights of those in the minority and take care not to exclude them from the organization.

3. Minority reports shall be considered and published whenever they are supported by a substantial minority, as defined by the By-laws or other rules.

E. Accountability

1. Those elected as Democrats have the obligation to support the principles of the Democratic Party.

2. The decisions and votes of a person holding a position of public trust should be a matter of public record.

ARTICLE VII

SPECIFIC PARTY PRACTICES

A. Delegate Selection Rules

1. Delegate selection rules shall govern precinct, legislative district and congressional district caucuses and county and state conventions.

2. Delegate selection rules adopted by any Democratic party organization shall conform to state law, to the guidelines adopted by the Democratic National Committee and to the basic principles of this Charter.

3. Any Democrat has the right to challenge any delegate or alternate to the county and state conventions or to the legislative and congressional district caucuses in accordance with the rules. No challenged delegate may vote on any matter pertaining to his or her own challenge.

4. The By-laws of the Democratic Party of the State of Washington shall include the more specific provisions of the delegate selection process.

B. Party Conference

State, county and district Democratic party organizations may hold annual party conferences to provide the

opportunity for Democratic party members to discuss and publicize political issues. These conferences should include participation by Democratic public and party officials.

C. Elections and Campaigns

Each state, county and district Democratic party organization shall:

1. Conduct candidate campaign workshops which the State Democratic Committee will arrange and staff in March of every year to instruct candidates on effective campaign procedures and organization.

D. Ballot Procedures

1. When individuals vote in public elections, secret ballots shall be used.

2. When a person votes as an elected representative, open ballots shall be used.

3. Proxies may be used in accordance with the National Charter.

ARTICLE VIII

GENERAL PROVISIONS

A. This Charter is intended to conform to state and federal statutes and to applicable parts of the Charter of the Democratic Party of the United States. If parts of this Charter are found to be in conflict with such statutes or the National Charter, the applicable statute or provision of the National Charter shall govern.

B. Whenever state or federal statutes preclude basic principles or substantive provisions of this Charter, the Democratic Party of the state of Washington shall con-

tinue to take positive steps to change the statutes to allow such principles and provisions of the Charter.

C. The State Democratic Committee shall publish and maintain current copies of this Charter and make them available on request.

ARTICLE IX

BY-LAWS AND RULES

A. By-laws of the Democratic Party of the state of Washington:

1. The Democratic Party of the state of Washington shall adopt by-laws to govern its affairs in those matters not fully specified by this Charter. The by-laws shall be consistent with and subject to this Charter, the Charter of the Democratic Party of the United States and state and federal law.

2. By-laws may be adopted or amended by affirmative vote of a majority of delegates voting at the State Convention.

3. By-laws may also be adopted or amended by affirmative vote of a majority of the entire membership of the State Democratic Committee.

4. The State Democratic Committee shall maintain copies of the current by-laws of the Democratic Party of the state of Washington and shall make them available on request.

B. Rules

1. Each official body of the Democratic Party of the state of Washington shall adopt its own written rules (including by-laws, if applicable) for the conduct of its affairs. These rules shall be consistent with this Charter, the by-laws of the Democratic Party of the state of Washington, state and federal laws and all provisions pursuant to the authority of this Charter.

2. Each official body of the Democratic Party of the state of Washington shall maintain copies of its own current rules and shall make them available on request.

3. The State Democratic Committee shall maintain copies of current rules of each official body of the Democratic Party of the state of Washington and make them available on request.

ARTICLE X

AMENDMENTS

A. This Charter may be amended by affirmative vote of a majority of all the delegates to the State Convention.

1. An amendment must be presented in writing to the State Chairperson by an elected delegate to the Convention at least ten (10) days before the chairperson issues the call to the Convention.

2. The State Chairperson shall then publish the full text of the proposed amendment in the call to the State Convention.

B. This Charter may also be amended by affirmative vote of two-thirds (⅔) of the entire membership of the State Democratic Committee.

1. An amendment must be proposed in writing by a member of the State Committee and be published in

full in the notice of the meeting of the State Committee sent to each member of the committee.

2. An amendment adopted by the State Committee shall be subject to ratification by the next State Convention, except that two-thirds (⅔) of the entire membership of the State Committee may affirm that an amendment shall take effect immediately and be effective until it is accepted, amended, or rejected by the next State Convention.

C. Newly adopted or amended provisions of this Charter shall take effect on the January 1st after they are adopted or ratified by the State Convention, unless otherwise specified by resolutions of the convention.